

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**DARLA RAY**

**PLAINTIFF**

**V.**

**NO. 1:20-CV-129-DMB-RP**

**JOHNSON & JOHNSON, et al.**

**DEFENDANTS**

**ORDER**

On November 28, 2018,<sup>1</sup> Ethicon, Inc., and Johnson & Johnson filed a motion seeking summary judgment on some of Darla Ray's claims: (1) negligence (Count I); (2) strict liability based on a manufacturing defect (Count II); (3) strict liability based on a defective product (Count IV); (4) common law fraud (Count VI); (5) fraudulent concealment (Count VII); (6) constructive fraud (Count VIII); (7) negligent misrepresentation (Count IX); (8) negligent inflection of emotional distress (Count X); (9) breach of express warranty (Count XI); (10) breach of implied warranty (Count XII); (11) violation of Mississippi's consumer protection laws (Count XIII); (12) gross negligence (Count XIV); and (13) unjust enrichment (Count XV). Doc. #44. On December 11, 2018, Ray responded to the motion stating she does not oppose summary judgment on these enumerated claims. Doc. #46 at 1–2. Accordingly, the motion for summary judgment on these claims [44] is **GRANTED**.

**SO ORDERED**, this 10th day of September, 2020.

**/s/Debra M. Brown  
UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> This case was commenced in the Southern District of West Virginia on August 17, 2012. Doc. #1. It was transferred to the Northern District of Mississippi on June 18, 2020. Docs. #52, #64.